

15A NCAC 02D .0909 COMPLIANCE SCHEDULES FOR SOURCES IN OZONE NONATTAINMENT AND MAINTENANCE AREAS

(a) Applicability. This Rule applies to sources located at any facility covered by Paragraphs (f) and (h) of 15A NCAC 02D .0902.

(b) Exceptions. This Rule does not apply to facilities subject to 15A NCAC 02D .0902(e). Facilities subject to 15A NCAC 02D .0902(e) shall comply with the provisions of those Rules rather than the schedule in Paragraphs (c) and (d) of this Rule.

(c) Maintenance area contingency plan. The owner or operator of any source subject to this Rule shall adhere to the following increments of progress and schedules:

- (1) If compliance with applicable rules in this Section is to be achieved by installing emission control equipment, replacing process equipment, or modifying existing process equipment:
 - (A) The owner or operator shall submit a permit application and a compliance schedule within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone;
 - (B) The compliance schedule shall contain the following increments of progress:
 - (i) a date by which contracts for the emission control system and process equipment shall be awarded or orders shall be issued for purchase of component parts;
 - (ii) a date by which on-site construction or installation of the emission control and process equipment shall begin; and
 - (iii) a date by which on-site construction or installation of the emission control and process equipment shall be completed; and
 - (C) Final compliance with applicable rules in this Section shall be achieved within three years after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.
- (2) If compliance with applicable rules in this Section is to be achieved by using low solvent coating technology:
 - (A) The owner or operator shall submit a permit application and a compliance schedule within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone;
 - (B) The compliance schedule shall contain the following increments of progress:
 - (i) a date by which purchase orders shall be issued for low solvent coatings and process modifications;
 - (ii) a date by which process modifications shall be initiated; and
 - (iii) a date by which process modifications shall be completed and use of low solvent coatings shall begin; and
 - (C) Final compliance with applicable rules in this Section shall be achieved within two years after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.
- (3) The owner or operator shall certify to the Director within five days after each increment deadline of progress defined in this Paragraph, whether the required increment of progress has been met.

(d) Moderate nonattainment areas. The owner or operator of any source subject to this Rule shall adhere to the following increments of progress and schedules:

- (1) If compliance with applicable rules in this Section is to be achieved by installing emission control equipment, replacing process equipment, or modifying existing process equipment:
 - (A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007;
 - (B) The compliance schedule shall contain the following increments of progress:
 - (i) a date by which contracts for the emission control system and process equipment shall be awarded or orders shall be issued for purchase of component parts;
 - (ii) a date by which on-site construction or installation of the emission control and process equipment shall begin; and
 - (iii) a date by which on-site construction or installation of the emission control and process equipment shall be completed; and
 - (C) For facilities with potential to emit 100 tons or more of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than April 1, 2009.

- (D) For facilities with potential to emit less than 100 tons of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than May 1, 2016.
 - (2) If compliance with applicable rules in this Section is to be achieved by using low solvent coating technology:
 - (A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007;
 - (B) The compliance schedule shall contain the following increments of progress:
 - (i) a date by which purchase orders shall be issued for low solvent coatings and process modifications;
 - (ii) a date by which process modifications shall be initiated; and
 - (iii) a date by which process modifications shall be completed and use of low solvent coatings shall begin; and
 - (C) Final compliance with applicable rules in this Section shall be achieved no later than April 1, 2009;
 - (D) For facilities with potential to emit less than 100 tons of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than May 1, 2015.
 - (3) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress defined in this Paragraph, whether the required increment of progress has been met.
- (e) If the Director requires a test in accordance with 15A NCAC 02D .2600 to demonstrate that compliance has been achieved, the owner or operator of sources subject to this Rule shall conduct a test and submit a final test report within six months after the stated date of final compliance.
- (f) Sources already in compliance.
- (1) Maintenance area contingency plan. Paragraph (c) of this Rule shall not apply to any source subject to this Rule that is in compliance with applicable rules of this Section when the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone and that have determined and certified compliance by the Director within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.
 - (2) Moderate nonattainment areas. Paragraph (d) of this Rule does not apply to sources subject to this Rule if they are in compliance with applicable rules of this Section on March 1, 2007.
- (g) New sources.
- (1) Maintenance area contingency plan. The owner or operator of any source subject to this Rule not in existence or under construction before the date that the Director notices in the North Carolina Register pursuant to 15A NCAC 02D .0902(h) the implementation of rules that resolves a violation of the ambient air quality standard for ozone shall comply with all applicable rules in this Section upon start-up of the source.
 - (2) Moderate nonattainment areas. The owner or operator of any new source subject to this Rule not in existence or under construction before March 1, 2007 in an area identified in 15A NCAC 02D .0902(f) shall comply with all applicable rules in this Section upon start-up of the source.

History Note Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
 Eff. July 1, 1979;
 Amended Eff. May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007; March 1, 2007;
 July 1, 2000; April 1, 1997; July 1, 1995; July 1, 1994; July 1, 1988; January 1, 1985;
 Readopted Eff. November 1, 2020.